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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,066	07/23/2001	Kazuhisa Senda	YPO0028	3060

832            7590            07/17/2002

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ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/911,066	SENDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William S. Fee	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### ***Specification***

1. Page 9, line 9 recites "holder sheet 4" however, page 8, line 10, recites "holder sheet 5".

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

*and 2D*

3. Claims 6,7 and 13<sub>x</sub> are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of standards such as the JIS recited in claims 6,7 and 13 is impermissible.

4. Claim 20 recites the limitation "the group" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10,12,13,15 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Kuze, JP 10095071.

Regarding claims 1-20, with respect to claim 1 Kuze discloses a gasket comprising a resin film, a rubber layer molded to the resin film, regarding claim 3 the rubber layer is molded from liquid, regarding claim 4 the liquid is silicone rubber, regarding claim 8 the gasket is thin, regarding claim 10 Kuze further discloses the gasket comprises a carrier member, an elastomeric polymer member on the carrier

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member where their thickness is about .1mm, regarding claim 12, the elastomeric polymer is silicone, regarding claim 15 Kuze further discloses the gasket comprises a carrier member and a self bonding elastomer, regarding claim 17 the elastomeric polymer is silicone, regarding claim 19 the carrier and the elastomeric polymer have a thickness of about .1mm, regarding claim 19 the polymer film is polyester.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1,3,4,6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuze, JP 10095071 in view of Schweiger, U.S.P. 5,671,927.

Kuze is discussed above however, Kuze does not disclose a rubber layer molded in the shape of an inverted T-type stepped wall cross-section.

Regarding claims 1 and 3-9, with respect to claim 1 Schweiger teaches a rubber layer 42 molded in the shape of an inverted T-type stepped wall cross-section Column 3, lines 40-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide gasket of Kuze, with a rubber layer molded in the shape of an inverted T-type stepped wall cross-section as taught by Schweiger, in order to provide better sealing.

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8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuze, JP 10095071 in view of Schweiger, U.S.P. 5,671,927.

Regarding claim 2, the thickness of the carrier member is a change in size and is a design consideration within the art which would be obvious to vary the thickness for optimal sealing according to the design application.

9. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Kuze, JP 10095071 in view of Schweiger, U.S.P. 5,671,927 as applied to claims 1 and 3-9 above, and in further view of Yagi et al., U.S.P. 6,102,603.

Kuze and Schweiger are discussed above however, they do not disclose silicone rubber is addition reaction type.

Regarding claim 5, Yagi teaches silicone rubber is addition reaction type (column 5, lines 11-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide gasket of Kuze as modified by Schweiger with rubber being the addition reaction type as taught by Yagi, in order to provide better sealing.

10. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuze, JP 10095071 in view of Schweiger, U.S.P. 5,671,927 as applied to claims 1 and 3-9 above, and in further view of Tachibana, JP 04211934 .

Kuze and Schweiger are discussed above however, they do not disclose a gasket for use in a condenser.

Regarding claims 8 and 9, Tachinbana teaches a gasket for use in a condenser (see abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide gasket of Kuze as modified by Schweiger with a gasket for use in a condenser as taught by Tachinbana, because of the similar properties of the gaskets.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuze, JP 10095071.

Regarding claim 11, the thickness of the carrier member is a change in size and is a design consideration within the art which would be obvious to vary the thickness for optimal sealing according to the design application.

12. Claim 14,16,19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuze, JP 10095071 in view of Maeda et al., U.S.P. 6,145,847.

Kuze is discussed above however, Kuze does not disclose a compression limiter.

Regarding claims 17,16,19 and 20, with respect to claims 14 and 16 Maeda teaches a compression limiter 6 in the drawing figures (Column 5, lines 16-19).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide gasket of Kuze, with a compression limiter as taught by Maeda, in order to provide better sealing by preventing over compression of the seal.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuze, JP 10095071 in view of Maeda et al., U.S.P. 6,145,847.

Regarding claim 18, the thickness of the carrier member is a change in size and is a design consideration within the art which would be obvious to vary the thickness for optimal sealing according to the design application.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Fee whose telephone number is (703) 305-3131. The examiner can normally be reached on Monday through Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann, can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

William S. Fee  
Examiner  
Art Unit 3677

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600